

NEVADA DEPARTMENT OF CORRECTIONS	SERIES 400 INSTITUTIONAL MANAGEMENT	SUPERSEDES: AR 622 (11/10/99)
ADMINISTRATIVE REGULATIONS MANUAL	ADMINISTRATIVE REGULATION 491 INMATE DRUG AND ALCOHOL TESTING TEMP	EFFECTIVE DATE: 03/06/03

TABLE OF CONTENTS

	<u>PURPOSE</u>	
	<u>AUTHORITY</u>	
	<u>RESPONSIBILITY</u>	
	<u>DEFINITIONS</u>	
	<u>APPLICABILITY</u>	
	<u>PROCEDURES</u>	
<u>491.01</u>	INMATE DRUG AND ALOOHOL TESTING	
<u>491.02</u>	INSTITUTIONAL DRUG AND ALCOHOL TESTING COORDINATOR	
<u>491.03</u>	STAFF COLLECTOR DUTIES	
<u>491.04</u>	CHAIN OF CUSTODY	
<u>491.05</u>	POSITIVE RESULTS	
	<u>REFERENCES</u>	
	<u>ATTACHMENTS</u>	
	<u>MANDATORY REVIEW DATE</u>	<u>03/06/04</u>

PURPOSE

To establish guidelines for the reliable and valid detection of illicit drug and/or alcohol use by inmates under the supervision of the Nevada Department of Corrections.

To establish guidelines for Department employees to conduct inmate drug and/or alcohol testing.

AUTHORITY

NRS 209.131
NRS 453.411

RESPONSIBILITY

It shall be the responsibility of all Department employees to comply with the provisions of this administrative regulation.

The appointing authorities shall have overall responsibility to ensure compliance with the inmate testing and reporting provisions of this administrative regulation.

It shall be the responsibility of the Department's Inspector General:

- To oversee the inmate drug and alcohol-testing program; and
- To identify and report non-compliance with this administrative regulation; and
- Ensure that all required reports concerning the test results are prepared in a timely manner.

DEFINITIONS

APPOINTING AUTHORITIES – Individuals to whom the Director has delegated authority to recommend and implement personnel actions. Appointing authorities may include: Assistant Directors, Medical Director, Wardens, Administrator Mental Health and Program Services, and Division Heads.

CHAIN OF CUSTODY FORM – The document used to record the collection, storage and transport of an inmate specimen.

DEPARTMENT – The Nevada Department of Corrections.

DIRECTOR – The Director of the Nevada Department of Corrections.

INMATE DRUG AND ALCOHOL COLLECTION LOG – The Department's document that is used to record the collection of a sample from the inmate.

INMATE DRUG AND ALCOHOL STORAGE LOG – The Department's document that is used to store and retain relevant information to the actual collection of a sample from the inmate.

INSPECTOR GENERAL (IG) – The chief Law Enforcement Officer, Investigator and Inspector in the Nevada Correctional System.

INSTITUTIONAL INMATE DRUG AND ALCOHOL TESTING COORDINATOR – A trained Department staff member assigned by the appointing authority to coordinate their institution/facility Inmate Drug and Alcohol Testing program.

OFFICE OF THE INSPECTOR GENERAL INMATE DRUG AND ALCOHOL TESTING COORDINATOR – A trained member of the Department’s Office of the Inspector General appointed by the Inspector General to oversee the Department’s Inmate Drug and Alcohol Testing program.

STAFF COLLECTOR – A trained Department staff member assigned to collect inmate specimens to be analyzed for illicit drug and/or alcohol use.

APPLICABILITY

This Administrative Regulation applies to all Department staff/employees and inmates.

PROCEDURES

491.01 INMATE DRUG AND ALCOHOL TESTING

1.1 All inmate drug and alcohol testing shall be completed in accordance with the provisions of this administrative regulation and any associated protocols established by the Office of the Inspector General.

1.2 The Department has a zero tolerance drug and alcohol use policy.

1.2.1 Inmates committed to the Department are subject to drug and/or alcohol testing at any time.

1.2.2 Drug and alcohol testing shall not be used as a tool to harass inmates.

1.2.3 Testing shall not be done on the basis of race, creed, color, national origin, sex, age, political affiliation, sexual orientation, and handicap or for any other discriminatory purpose.

1.3 The use of mandatory language in this administrative regulation is intended solely for the guidance of the employees of the Department.

1.3.1 Failure of an employee to follow any mandatory language shall not result in any compulsory outcome at any inmate disciplinary hearing, including, but not limited to:

- Types and severity of sanctions; or
- Dismissal of charges.

1.4 The Department staff shall test for drugs and alcohol usage by the following methods/reasons:

1.4.1 For Cause – Tests conducted when there is reasonable suspicion of inmate drug or alcohol use.

1.4.2 At random – Each month a minimum of five percent (5%) of each institution's/facility's inmate population will be randomly selected for testing.

1.4.3 For programs – The following are program tests involving a particular sub-population of inmates including, but not limited to:

- Post-Visit;
- Pre-parole; and
- Drug treatment, Alcohol, Residential Substance Abuse Treatment (RSAT) and DUI programs, once every three months in addition to random selection.

1.4.4 Annual saturation – Once a year a statistically valid (determined by the Offender Management Division) sampling of each institution's inmate population shall be selected for testing to provide a basis for comparison of drug levels annually.

1.5 The types of testing routinely conducted are as follows:

- Barbiturates;
- THC (marijuana);
- Opiates;
- Cocaine;
- PCP (phencyclidine);
- Amphetamines (Methamphetamines); and
- Alcohol.

491.02 INSTITUTIONAL INMATE DRUG AND ALCOHOL TESTING COORDINATOR

1.1 Each Warden and/or Manager shall appoint a staff member as the Institutional Inmate Drug and Alcohol Coordinator.

1.1.1 Each Warden and/or Manager shall appoint a staff member as a back up coordinator to act as the Inmate Drug and Alcohol Coordinator when the appointed coordinator is unavailable.

1.2 The Institutional Inmate Drug and Alcohol Coordinator and the back up coordinator shall:

1.2.1 Receive training concerning the Inmate Drug and Alcohol Testing program pursuant to guidelines established in this regulation and the Office of the Inspector General protocols.

1.2.2 Ensure that testing procedures utilized at their institution/facility are consistent with the guidelines established in this administrative regulation and the Office of the Inspector General protocols.

1.2.3 Ensure that staff members who are engaged in the collection of the test samples have been properly trained concerning the collection procedures pursuant to the guidelines established in this administrative regulation and the Office of the Inspector General protocols.

1.2.3.1 Any training conducted or received by the staff members will be documented with a copy of the documentation forwarded to the regional Employee Relations and Development Office for filing and retention.

1.2.4 Ensure the collection procedure is performed under the direct supervision of a properly trained Staff Collector.

1.2.5 Ensure that the Staff Collector observes all appropriate documentation and chain of custody procedures.

1.2.6 Maintain all documentation regarding the Inmate Drug and Alcohol Testing program, to include all institutional/facility logs and reports of results.

1.2.7 Submit a monthly report of all Inmate Drug and Alcohol Testing activity to the Office of the Inspector General.

491.03 STAFF COLLECTOR DUTIES

1.1 The Staff Collector shall be of the same gender as the inmate being tested.

1.2 The Staff Collector shall:

1.2.1 Ensure that the collection area is free of any item or substance that could be used to adulterate the collection specimen;

1.2.2 Instruct the inmate to remove any outer garment that might obstruct the Staff Collector's field of vision or that could be used to, in any way, adulterate the collection specimen;

1.2.3 Instruct the inmate to wash, rinse and thoroughly dry their hands before and after the collection of the specimen;

1.2.4 Examine the involved inmate's hands and arms for any item or substance that could impact the collection specimen prior to collecting the specimen;

1.2.5 Directly observe the voiding process and the collection of the specimen;

1.2.6 Ensure that when collecting a specimen (urine), a minimum of 25-ML (approximately 1 ounce) is collected. That is what is required for testing;

1.2.7 Ensure that the inmate who claims to be unable to produce a specimen is given no more than eight (8) ounces of water per hour for no more than three (3) hours; and

1.2.8 Ensure that at the end of three hours, the inmate is to be directed to produce a specimen.

- Refusal to produce a specimen at that time shall result in a charge of MJ44 – Failure to Submit to a Mandatory drug or Alcohol Screening.
- The Staff Collector shall submit the Refusal of Inmate Alcohol and Drug Testing form (DOC-2041) for disciplinary action.

491.04 CHAIN OF CUSTODY

1.1 The Office of the Inspector General shall develop and disseminate protocols governing the appropriate collection, control and chain of custody forms and procedures. This is to ensure the credibility and security of specimens collected as part of the Inmate Drug and Alcohol Testing process.

1.2 The Institutional Inmate Drug and Alcohol Coordinator shall ensure that all staff members follow the current Office of the Inspector General protocols concerning inmate drug and alcohol testing collection, control and chain of custody procedures.

491.05 POSITIVE RESULTS

1.1 In the event of a positive test result for illicit drug or alcohol use, the Institutional Inmate Drug and Alcohol Coordinator shall:

1.1.1 Consult with the institutional/facility medical staff to determine if there is any possible cross-reactivity with any prescribed medication the inmate may be taking.

1.2 Absent any justified medical explanation for a positive result, the Institutional Inmate Drug and Alcohol Coordinator shall:

1.2.1 Arrange for the appropriate segregation of the involved inmate.

1.2.2 Ensure that a Notice of Charges for an MJ 45, Possession, introduction, sales or use of any narcotic, drug, alcohol, or other Intoxicant or possession of materials suitable for manufacture is prepared.

1.3 The Associate Warden of Programs reports the results of all Inmate Drug and Alcohol Testing conducted prior to and following an inmate(s) parole hearing to the Parole Commissioners.

REFERENCES

None

ATTACHMENTS

Inmate Drug and Alcohol Testing Protocol
Refusal of Inmate Drug and Alcohol Testing Form (DOC-2041)

Jackie Crawford, Director

Date

CONFIDENTIAL

Yes

No

THIS PROCEDURE SUPERSEDES ALL PRIOR WRITTEN PROCEDURES ON THIS SPECIFIC SUBJECT.

NEVADA DEPARTMENT OF CORRECTIONS

REFUSAL OF INMATE ALCOHOL AND/OR DRUG TESTING

Name of Inmate: _____ DOC # _____

Name of Officer Ordering Test: _____

(The following statement will be read to the refusing inmate)

As outlined in AR 491, Section 491.03, Paragraph 1.2.8, Inmate Refusal to Submit, Your refusal will result in the initiation of disciplinary action.

I have read or have had read to me the above statement. I understand that if I refuse to submit to the urine/breath test, that I will be charged, in addition to any other appropriate charges, with MJ 44 – Failure to submit to a mandatory drug and/or alcohol screening.

INMATE'S SIGNATURE _____

NDOC NUMBER: _____

DATE: _____ TIME: _____

CHECK HERE IF INMATE REFUSED TO SIGN () AND FILL IN BELOW

SPECIFIC STATEMENT MADE BY INMATE _____

STAFF WITNESS

NAME (Please Print): _____

SIGNATURE: _____

DATE: _____ TIME: _____

DOC – 2041/03

